

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ALWYN H. LUCKEY

PLAINTIFF

VS.

CIVIL ACTION NO.: 1:05CV89-JAD

RICHARD F. SCRUGGS, ET AL

DEFENDANTS

**AMENDED JUDGMENT**

The Court hereby *sua sponte* amends the Judgment previously entered in this action on July 20, 2005, in order to clarify that Judgment so as to be consistent with the Memorandum and Opinion of the same date.

IT IS HEREBY ORDERED, ADJUDGED, DECREED that the plaintiff Alwyn Luckey shall be paid, jointly and severally, by the defendants Richard F. Scruggs, P.A., Scruggs, Millette, Lawson, Bozeman & Dent, P.A., (now Scruggs Legal via name changes filed with the Mississippi Secretary of State), Asbestos Group, P.A., and Richard F. Scruggs the sum of \$13,688,907.92 with interest at the rate of 3.59% per annum until paid, together with attorney's fees and expenses. In addition, the plaintiff Alwyn Luckey shall be paid, jointly and severally, by the defendants Richard F. Scruggs, P.A., Scruggs, Millette, Lawson, Bozeman & Dent, P.A., Asbestos Group, P.A., and Richard F. Scruggs 25 percent of the aggregate funds previously received or to hereafter be received from the December 2004 \$17,750,000 settlement of Occupational Hearing Loss (OIL) and Hand Arm Vibration (HAVS) cases, whether those funds are designated as expense recoveries, overhead recoveries, or fees in the final accounting among the three joint venturers, and Luckey be and he is hereby awarded a lien equal to 25 percent of all funds received by the Scruggs entities from Occupational Hearing Loss and Hand Arm Vibration cases after December 2000 (the amount prior

to December 2000 having been previously included in this Court's \$13,688,907.92 judgment).

With regard to plaintiff's award of reasonable expenses incurred in the prosecution of this action, such amount, together with the plaintiff's award of attorney fees, will be quantified by separate order of the Court if the parties are unable to agree upon the amount of litigation expenses and attorney fees.

SO ORDERED this the 26<sup>th</sup> day of July, 2005.

/s/ JERRY A. DAVIS  
UNITED STATES MAGISTRATE JUDGE